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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

\*E-FILED - 8/2/06\*

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND A. GARBIN,

Defendant.

No. CR 06-00074 RMW

STIPULATION AND  
ORDER EXCLUDING TIME

SAN JOSE VENUE

On July 17, 2006, the parties in this case appeared before the Court for a status hearing. Assistant United States Attorney Susan Knight informed the Court that the parties are conducting an investigation into the case and needed additional time to complete their respective investigations. The parties then requested that the case be continued to September 25, 2006 at 9:00 a.m. In addition, the parties requested an exclusion of time under the Speedy Trial Act from July 17, 2006 to September 25, 2006 in order to afford the government and defense counsel additional time for investigation. The defendant, through Mr. Ferrito, agreed to the exclusion. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

1 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

2  
3 DATED:

/s/  
\_\_\_\_\_  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED:

/s/  
\_\_\_\_\_  
THOMAS J. FERRITO  
Counsel for Mr. Garbin

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7  
8 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
9 under the Speedy Trial Act from July 17, 2006 to September 25, 2006. The Court finds, based  
10 on the aforementioned reasons, that the ends of justice served by granting the requested  
11 continuance outweigh the best interest of the public and the defendant in a speedy trial. The  
12 failure to grant the requested continuance would deny defense counsel reasonable time necessary  
13 for effective preparation, taking into account the exercise of due diligence, and would result in a  
14 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made  
15 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

16 SO ORDERED.

17  
18 DATED: 8/2/06

/s/ Ronald M. Whyte  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge